

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

1. DOMINGO MCKNIGHT,

Plaintiff,

vs.

1. AAON, INC.,

Defendant.

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Case No. 15-CV-00730-JED-FHM

DEFENDANT’S NOTICE OF REMOVAL OF CIVIL ACTION

Defendant, AAON, Inc., (“AAON”), timely files this Notice of Removal pursuant to 28 U.S.C. §1331 and 28 U.S.C. §1441(a) and (c) removing the above-captioned action from the District Court in and for Tulsa County, Oklahoma to the United States District Court for the Northern District of Oklahoma. In support of this Notice of Removal, Defendant states as follows:

Summary of State Court Proceedings

1. On December 2, 2015, Plaintiff Domingo McKnight filed his original Petition in the District Court of Tulsa County, Oklahoma styled *Domingo McKnight v. AAON, Inc.*, Case No. CJ-2015-04425.

2. The summons issued to the Defendant was served on or about December 4, 2015. A copy of the state court docket sheet is attached hereto as Exhibit “1”. A copy of the process served on Defendant is attached hereto as Exhibit “2.”

3. Plaintiff filed his original Petition seeking to recover damages for race discrimination and retaliation in violation of the Title VII of the Civil Rights Act of 1964 (“Title

VII”), race discrimination in violation of the Oklahoma Anti-Discrimination Act (“OADA”), and race discrimination in violation of 42 U.S.C. §1981. [Petition, ¶¶19-24, Exh. “2”]

4. Pursuant to 28 U.S.C. §1331 and §1441, this Court has original jurisdiction over Plaintiff’s Title VII and Section 1981 claims, which arise under the laws of the United States. This Court further has jurisdiction over Plaintiff’s remaining state law claims pursuant to 28 U.S.C. §1367.

5. This Notice of Removal is being filed within thirty (30) days after receipt of the Petition as required by 28 U.S.C. §1446(b).

6. A copy of this Notice of Removal will be filed with the Clerk of the District Court in and for Tulsa County for the State of Oklahoma and served upon all adverse parties as required by 28 U.S.C. §1446(d).

7. All fees required by law in connection with this Notice have been paid by Defendant.

8. By virtue of this Notice of Removal, Defendant does not waive its right to assert any rights, claims or other motions, including Fed.R.Civ.P. Rule 12 motions, permitted by the Federal Rules of Civil Procedure or other applicable rules or laws.

WHEREFORE, for the above reasons, Defendant hereby gives Notice of Removal of the action pending in the District Court of Tulsa County, State of Oklahoma.

Respectfully submitted,

s/Stephanie Johnson Manning
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Attorneys for Defendant, AAON Inc.

CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of December 2015, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrant:

Daniel E. Smolen

s/Stephanie Johnson Manning
Stephanie Johnson Manning